UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD

EDWARD J. ANDRESS, Appellant, v. UNITED STATES POSTAL SERVICE, Agency.	DOCKET NUMBER CH07529106191 DATE: APR 22 1992

Leona Durham, Esquire, Cincinnati, Ohio, for the Appellant.

Helen A. Nicholas, Philadelphia, Pennsylvania, for the agency.

BEFORE

Daniel R. Levinson, Chairman
Antonio C. Amador, Vice Chairman
Jessica L. Parks, Member

ORDER

After full consideration, we DENY the appellant's December 10, 1991, petition for review of the initial decision issued on November 5, 1991, because it does not meet the criteria for review set forth at 5 C.F.R. § 1201.115. We also DENY the agency's motion to strike the appellant's submission

of December 10, 1991, and DISMISS as moot the agency's motion to strike the appellant's submission of November 27, 1991. In addition, we DENY the appellant's motion to strike the agency's response to the petition for review as untimely filed.

This is the Board's final order in this appeal. The initial decision in this appeal is now final. 5 C.F.R. § 1201.113(b).

NOTICE TO APPELLANT

You have the right to request further review of the Board's final decision in your appeal.

Discrimination Claims: Administrative Review

You may request the Equal Employment Opportunity Commission (EEOC) to review the Board's final decision on your discrimination claims. See 5 U.S.C. § 7702(b) (1). You must submit your request to the EEOC at the following address:

Equal Employment Opportunity Commission
Office of Federal Operations
P.O. Box 19848
Washington, DC 20036

You should submit your request to the EEOC no later than 30 calendar days after receipt of this order by your representative, if you have one, or receipt by you personally, whichever receipt occurs first. See 5 U.S.C. § 7702(b) (1).

Discrimination and Other Claims: Judicial Action

If you do not request review of this order on your discrimination claims by the EEOC, you may file

a civil action against the agency on both your discrimination claims and your other claims and your other claims in an appropriate United States district court. See 5 U.S.C. § 7703(b) (2). You should file your civil action with the district court no later than 30 calendar days after receipt of this order by your representative, if you have one, or receipt by you personally, whichever receipt occurs first. See 5 U.S.C. § 7703(b) (2). If the action involves a claim of discrimination based on race, color, religion, sex, natural origin, or a handicapping condition, you may be entitled to representation by a court-appointed lawyer and to waiver of any requirement of prepayment of fees, costs, or other security. See 42 U.S.C. § 2000e5(f); 29 U.S.C. § 794a.

Other Claims: Judicial Review

If you choose not to seek review of the Board's decision on your discrimination claims, you may request the United States Court of Appeals for the Federal Circuit to review the Board's final decision on other issues in your appeal if the court has jurisdiction. See 5 U.S.C. § 7703(b) (1). You must submit your request to the court at the following address:

United States Court of Appeals
for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439

The court must receive your request for review no later than 30 calendar days after receipt of this order by your representative, if you have one, or receipt by you personally, whichever receipt occurs first. See 5 U.S.C. § 7703(b) (1).

FOR THE BOARD:

/s/ Robert E. Taylor
Clerk of the Board
Washington, D.C.